

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Civil Action No. 1:20-cv-0613 (RDA/TCB)
)
REAL PROPERTY AND)
IMPROVEMENT KNOWN AS)
35 QUEENSLAND LANE NORTH,)
PLYMOUTH, MINNESOTA 55447,)
)
Defendant in rem.)

ORDER

This matter comes before the Court on the Parties' Joint Motion to Stay. Dkt. 18. Upon consideration of the Motion and for good cause shown, this Court finds that:

1. Pursuant to 18 U.S.C. § 981(g)(1), it is likely that proceeding with civil discovery in this case will adversely affect the Government's ability to conduct and conclude its active investigation in a closely related criminal matter, including prematurely compelling the Government to divulge the identity of certain witnesses and subjects, as well as disclosing criminal trial strategy; and

2. Pursuant to 18 U.S.C. § 981(g)(2), claimant Casey Kirschner ("Claimant") has standing to assert a claim, and has asserted a claim, in the civil forfeiture proceeding as a title owner of the defendant property. Claimant is a subject of a related criminal investigation and continuing with the civil forfeiture proceeding will burden his Fifth Amendment right against self-incrimination in that related criminal investigation.

Accordingly, it is hereby ORDERED that the Motion (Dkt. 18) is GRANTED; and it is

FURTHER ORDERED that the case is stayed for a period of twelve (12) months from the date of this Order; and it is

FURTHER ORDERED that Claimant will have twenty-one (21) days from the date the stay is lifted to file an answer or permitted motion to the Complaint; and it is

FURTHER ORDERED that the Government shall notify the Court of any indictment of Claimant or the disposition of any criminal case against him no more than sixty (60) days following the disposition or indictment; and it is

FURTHER ORDERED that the United States Marshals Service release \$800,000 of the \$1,400,000 presently held as a substitute res in this case to J.D. Thomas, as counsel for Claimant. Counsel for Claimant shall deposit the \$800,000 in an attorney trust account which may be used to pay for attorney's fees and expenses that are related to, and intended to protect, his interests in this action and the closely related criminal investigation.

The Clerk is directed to forward copies of this Order to counsel of record.

It is SO ORDERED.

Alexandria, Virginia
June 9, 2022



/s/
Rossie D. Alston, Jr.
United States District Judge